

MAR 21 1968

Judge Clears Exotic Dancers

Municipal Court Judge Winton McKibben has dismissed all charges against seven persons arrested last November after a performance at the T & D burlesque theater.

"I found no evidence that any crime had been committed," declared Judge McKibben.

Cleared were exotic dancers Sally Ann Cardell, 29; Rachael Alvarez, 20; Lineau Allen, 23; Janet Sable, 28; and Angelique DuPont, 25; "top banana" John Kashual, 43, and promoter Laurence Nissimoff, 34.

All had been free on bail after pleading innocent to a variety of charges including indecent exposure.

Judge Restrains Art Films

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Federal Judge Alfonso Zirpoli also told the Alameda County district attorney's office that films seized in Dec. 11 and Jan. 2 raids cannot be used as evidence in any future trials involving the theater's manager, Larry Nissinoff.

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Feb 7 1970
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whether the restraining order should be made permanent.

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were authorized without previous adversary hearings in the defendant's presence.

The theater is located at 429 11th St.

SEP 25 1971
**Youths on Jury
At Issue Again**

San Francisco Superior Court Judge Francis McCarty yesterday ordered a hearing on the issue of requiring jury panels to include persons between ages 18 and 21.

The same issue had been raised Thursday in Alameda County Superior Court by Charles Garry, attorney for Huey P. Newton, Black Panther leader.

Judge McCarty stayed the trial of Lawrence Nissinoff, charged with violating a city ordinance barring the showing of obscene films, until the issue is decided.

The matter will be debated in a hearing set for Oct. 8.

The writ by Garry in Alameda County has been taken under advisement by Presiding Judge Robert Kroninger. Newton is charged in the 1967 slaying of Oakland police officer John Frey.

Judge Rules On Youth Jury Issue

OCT 23 1971

San Francisco Superior Court Judge Ira A. Brown Jr. yesterday ruled it is not necessary for 18 to 21-year-olds to be on jury panels.

The judge held the 26th Amendment dealt with the "voting rights — and voting rights only" of the newly franchised group.

Judge Brown ruled in the pornography case of Helen and Lawrence Nissinoff, who are charged with nine misdemeanors in the operation of a movie theater in San Francisco.

Attorney George T. Davis, for the Nissinoffs, argued the young voters have a fundamental right to be on juries. The case now goes back to Municipal Court for trial.

Oakland Porn Trio Sentenced

SEP 20 1972

The operators of the T&D Theater in downtown Oakland today were sentenced to jail terms and fines upon conviction of three misdemeanor counts each of exhibiting obscene movies in April 1971.

Municipal Court Judge Malcolm M. Champlin handed down the sentences after excoriating the films.

"This is hard-core pornography. It is sexual depravity," Champlin said. "This is criminal sexual activity that by any standards whatever is obscene . . . dissolute, wanton, debauched, lustful, immoral and degrading."

Sentenced were Lawrence Nissinoff, 39, operator of the T&D, fined a total of \$3,750 and sentenced to 540 days in jail; Harold Davis, 69, movie projectionist, fined \$3,375 and sentenced to 360 days in jail, and Morris Nissinoff, 58, ticket taker and Lawrence's uncle, fined \$3,000 and sentenced to 270 days in jail.

George T. Davis, attorney for the three defendants, immediately gave oral notice of appeal.

The attorney had, only moments before, filed a defense objection to the sentencing, charging that Judge Champlin had issued a release to the press yesterday and delayed the sentencing one day in order to get "full press coverage."

Davis said the judge's planned statement to be made in court prior to the sentencing was given to the press "surreptitiously and secretly," without mentioning it to the defense.

Davis said he had learned of the statement when it was mentioned by a member of the press.

He charged Judge Champlin's action was "inflammatory, prejudicial, emotional and derogatory to the defendants, illegal, biased and prejudiced, and as such patently demonstrates the incapacity

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among other things," the judge said.

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and disqualification of Judge Champlin to give these defendants a fair hearing on their motion for a new trial . . ."

Davis asked for one day's delay in jailing the men to allow time to arrange for the appeal bail.

Judge Champlin set the bail for the theater owner at a total of \$180,000, at \$60,000 for the projectionist and at \$30,000 for the ticket taker.

Champlin refused to lower what Davis called unnecessarily high bail and Davis indicated to the court that he would attempt to have it reduced through other channels.

Deputy Dist. Atty. Dennis Sullivan opposed reduction in bail and said that a section of the state code held that money and defendants obtained from their illegal theater operations could not be used to make bail.

Judge Champlin had noted in court that the defendants made \$48,000 from the theater during a three-month period and could therefore be expected to pay high bail and fines.

In his statement prior to sentencing Champlin said, "A jury of citizens here in Oakland have decided that these defendants are guilty and no one is going to make over Oakland into a filthy snakepit of obscenity.

"The imposing of a statewide standard by the higher court does make it hard for a city to keep itself clean even if it wants to. But in these particular flagrant cases that is not the real problem. These movies are obscene by any standard whatsoever. They are utterly filthy.

"Clearly the courts must take a stand. As to this case before me, I take a stand. Let there be no mistake as to what I now say. These films are revolting, repulsive and disgusting. They are offensive, immoral and depict sexual depravity, including lesbianism and oral copulation among other things," the judge said.

Porno Movie Trio Bailed for \$17,500

SEP 21 1972

Bail totaling \$270,000 for three men convicted of showing pornographic movies at downtown Oakland's T&D Theater was ruled "excessive and unreasonable" yesterday and reduced to \$17,500.

The three men made bail and were freed pending appeals after Alameda County Superior Court Presiding Judge Robert L. Bostick, acting on their attorney's request, ordered the reduction in the bail set earlier in the day by Municipal Court Judge Malcolm M. Champlin.

Judge Bostick ordered the bail reduction in granting the defense attorney's request for a writ of habeas corpus pending an appeal before the Superior Court's Appellate Division.

Convicted on three misdemeanor counts each were Lawrence Nissinoff, 39, operator of the theater, sentenced to a total of 540 days in jail and a fine of \$3,750; Harold Davis, 69, theater manager, 360 days and \$3,375, and Morris Nissinoff, the operator's uncle and theater ticket taker, 270 days and \$3,000.

Davis, who was earlier identified as the theater's projectionist, listed his occupation as the T&D's "maintenance man" in the request for release on reduced bail.

Judge Champlin originally set bail at \$180,000 for the theater operator, \$60,000 for the manager and \$30,000 for the ticket taker on the misdemeanor convictions.

Judge Bostick later in the day reduced the amounts to \$10,000, \$5,000 and \$2,500 respectively.

In handing down the penalties, Judge Champlin delivered an outraged attack on sex movies.

"A jury of citizens here in Oakland have decided that

these defendants are guilty and no one is going to make over Oakland into a filthy snakepit of obscenity," the judge said.

"The imposing of a statewide standard by the higher court does make it hard for a city to keep itself clean even if it wants to. But in these particular flagrant cases that is not the real problem. These movies are obscene by any standard whatsoever. They are utterly filthy.

"Clearly the courts must take a stand. As to this case before me, I take a stand. Let there be no mistake as to what I now say. These films are revolting, repulsive and disgusting. They are offensive, immoral and depict sexual depravity, including lesbianism and oral copulation among other things," he said.

Defense attorney George T. Davis criticized the judge's prior release of the contents of his statement to a newsman the day before sentencing.

He charged that the judge's action was "inflammatory, prejudicial, emotional and derogatory to the defendants, illegal, biased and prejudiced, and as such patently demonstrates the incapacity and disqualification of Judge Champlin to give these defendants a fair hearing on their motion for a new trial."

The three men were arrested in April, 1971, on the pornography charges. Theater manager Harold Davis told the court at sentencing yesterday that he had stopped showing films of that type after the arrest, and now featured movies similar to those shown in other "adult" theaters.

He said the T&D's fare was the same as that shown elsewhere and implied he felt his theater had been picked as a scapegoat.

Guilty Plea In Tax Case

AUG 27 1976

Sentencing has been set for Sept. 16 for a San Francisco theater owner who pleaded guilty in federal court to charges of trying to evade federal income taxes for 1969.

Lawrence Nissinoff entered his plea before U.S. District Court Judge Stanley Weigel and could get a maximum of five years in prison and \$10,000 in fines.

Nissinoff pleaded guilty to trying to evade \$7,540 on his 1969 income tax return when he stated his adjusted gross income was \$2,900 when it actually was \$23,376.

Nissinoff owns Nelson Associates, a management firm controlling several pornographic theaters in California, Florida and Nevada, the Internal Revenue Service said.

He also has been involved in operation of the T&D theater in Oakland and Peekarama I and II and the Gay Paree theaters in San Francisco.

Ex-T&D Owner Sentenced

SEP 17 1976

Lawrence Nissinoff, 39, former owner of the T&D Theater in Oakland, was sentenced to two years in federal prison and a \$5,000 fine yesterday for evading federal income taxes.

Nissinoff, also known as Larry Nelson, pleaded guilty Aug. 25 in U.S. District Court in San Francisco to evading \$7,500 in federal income taxes in 1969. Charges of tax evasion for three other years were dismissed.

U.S. District Court Judge Stanley Weigel ordered that the federal term be concurrent with three consecutive six-month terms in Alameda County jail Nissinoff faces for an Oakland pornography conviction.

Nissinoff was convicted in Oakland Municipal Court for showing obscene movies at the T&D Theater in 1971.

At one time, Nissinoff had an interest in "porno" movie houses in San Francisco, Oakland, Los Angeles and Las Vegas.

U.S. Strike Force attorney Edmund Lyons said that in 1969 Nissinoff reported an income of \$2,900 but earned \$23,000. Denying a defense motion for probation, Judge Weigel said "this is a very serious tax evasion case."

Nissinoff's attorney said his client's name has legally been changed to Larry Nelson.

Porno Sentence

OCT 6 1976

By HAVELOCK HUNTER

Writs of habeas corpus are being sought in superior court by three Oakland men fined and sentenced by Municipal Court Judge Malcolm Champlin for showing pornographic films at the T and D Theater in 1971.

A hearing on petitions opened yesterday before Judge Spurgeon Avakian who continued the case to Oct. 22 for presentation of evidence, including the planned showing of three films in question.

The action is being taken by Laurence and Morris Nissinoff and Harold Davis. They are represented by attorney George T. Davis, who indicated he will summon Judge Champlin to testify, alleging that he was biased and prejudiced against the defendants.

The three were convicted by

jury and fined and sentenced in September 1972 but have carried appeals since. The judgments recently were affirmed but they ask writs to free them from the penalties on constitutional grounds.

They say the penalties are excessive an out of proportion to the gravity of the offense and constitute cruel and unusual punishment.

Morris Nissinoff, an absentee owner, was sentenced to three 90-day terms and fined \$1,000 for each of the three showings.

Harold Davis, a manager, was given three consecutive sentences of 120 days each, which subsequently was reduced to 120 days concurrent. He was fined \$3,375 but that was reduced to \$1,125.

Laurence Nissinoff got three consecutive terms of 120 days each, totaling 540, and was fined \$3,750. All penalties were upheld. Last month in federal court he also was sentenced on income tax violations.

Attorney Davis charged that Judge Champlin gave a news reporter an advance on his statement on sentencing, declaring:

"The emotionally charged passages clearly displayed the judge's personal hostility toward those accused of violation of the obscenity laws."

In so doing, the attorney contended, the judge violated provisions of the California Judicial Code by showing partiality. And he averred that Judge Champlin at the time was "bucking" for an ap-

pointment to superior court and sent a copy of his statement to then Gov. Ronald Reagan.

Deputy Dist. Atty. William McKinstry said Davis' arguments were raised on appeal and that he now "is attempting to try the judge." He

likened the case to having the court act as a judicial qualifications commission.

And McKinstry declared flatly: "We deny there was a press release by Judge Champlin."

He said the hearing will set a precedent in law.

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How a Conti Aide Got Out of Jail f

The spectrum of Samuel J. Conti's acquaintances runs from the dapper Assemblyman, Willie L. Brown Jr., to such shadow figures as Lawrence Nissinoff, known to his friends on Broadway as Larry Nelson.

In the spring of last year, Nissinoff was on Broadway, assisting Conti in his business holdings.

But in the fall, Nissinoff was jailed in the Santa Rita Prison Farm near Pleasanton on a combined federal tax charge and an Alameda county pornography conviction.

By Christmas, Conti had used the power of his business operations to have Nissinoff released on a work furlough program so he could return to Broad-

way.

Nissinoff's brief fling with freedom was curtailed in early March when Alameda county authorities revoked his work furlough and brought him back to Santa Rita to serve out his sentence.

★ ★ ★

Nissinoff's story begins more than five years ago when he was convicted of showing obscene movies at a theater in downtown Oakland.

Through a series of appeals — all the way to the U.S. Supreme Court — the 44-year-old Nissinoff managed to delay his jail sentence and remain at liberty.

He became one of Conti's business associates and helped direct Conti's North Beach operations.

A police report dated last May 27 identified him as the "proprietor" of the House of Ecstasy, one of Conti's nude encounter parlors, at 1043 Kearny street.

In a brief conversation before he declined to discuss further his business affairs, Conti said Nelson "never worked for me at the House of Ecstasy."

Whether he did or not, Nissinoff/Nelson's finances remain obscure — particularly since he is not listed on public records here as a partner or stockholder in Conti's enterprises.

In this vein, an Alameda county probation officer

for a While

wrote, last summer, that Nissinoff's financial situation "presents one of the great and interesting mysteries of our time. He is unemployed, owns nothing of significance, and apparently leads a hand-to-mouth existence in one of the more exclusive areas of San Francisco.

"He is rumored to be the owner of a Rolls Royce and a San Francisco nightclub; there are also rumors to the effect that he has earned approximately \$1 million."

Last August, Nissinoff's appeals on the pornography conviction ran out, and he was sentenced to serve 1½ years at Santa Rita.

At the same time, he pleaded guilty to a tax evasion indictment brought by the Federal Organized Crime Strike Force.

A federal judge sentenced him to two years in prison, to be served at the same time as the pornography sentence, and ordered him jailed in the "state institution in which (he) is confined" — namely, Santa Rita.

Nissinoff began serving his time August 25.

To gain an early release from Santa Rita, he availed himself of an administrative program which helps inmates find work and eases the transition between jail and the outside world.

Because the Oakland judge did not say Nissinoff was ineligible for work furlough, and because he was not considered violent, the sheriff's department processed his application routinely.

The strict terms of the federal sentence were apparently overlooked in the welter of documents.

Nissinoff's employer-sponsor was listed as the Conti Alec Co., "a business consulting firm," with offices at 1255 Post street in San Francisco.

His duties were to be a limousine driver, consultant, salesman and "estimator."

It was requested by his prospective employer that he be allowed to work the swing shift, from 3 p.m. to 11 p.m.

The attorney who helped Nissinoff with the paperwork was Atklin Brown of Stockton, although Assemblyman Willie Brown, Conti's attorney, would ultimately become involved.

Samuel J. Conti owns the Conti Alec Co. (also known as the Conti Alec Carpet Co.).

Nissinoff's work furlough application was approved and his release date was set for December 24.

He was to be moved from Santa Rita, to the work furlough facility in Oakland, where he was to sleep each night and spend all his non-working hours. One hour each working day was allotted for commuting to San Francisco.

When no one arrived on Christmas Eve to take him from Santa Rita to Oakland, Nissinoff got on the telephone.

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According to witnesses, he called a popular cafe on Broadway and frantically asked for Willie Brown, who he said was "supposed to get me out of here tonight."

The same evening, at least two calls from Conti were received at the work furlough facility asking when Nissinoff would be released.

It didn't happen until the next day.

In the following weeks while Nissinoff was back on Broadway, Willie Brown became his lawyer and attempted to have his federal sentence modified. The judge refused.

Conti, for his part, wrote the sheriff's department asking that Nissinoff's schedule be extended to 3 a.m.

Before the request could be acted on, the strict terms of the federal sentence became known and Nissinoff was yanked unceremoniously back to Santa Rita to serve his time.